

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOAN PASINI, on behalf of herself and all others similarly situated,

Plaintiff,

v.

FISHS EDDY, LLC (d/b/a Fishs Eddy),

Defendant.

Case No.: 1:16-cv-00354-PGG

Hon. Paul G. Gardephe

**Declaration of Peter Gil-Montllor**

1. I, Peter Gil-Montllor, together with other attorneys at my firm, Cuneo Gilbert & LaDuca, have worked in conjunction with Mr. Chant Yedalian on the successful prosecution of this FACTA action. We performed this work on a contingency basis, with no guarantee or expectation of payment except by prevailing in this action. Had the case not settled, I and my colleagues would have continued to represent the named plaintiffs and the class members through extensive discovery, briefing and arguing summary judgment and other dispositive motions, and trial, which would have demanded substantially greater costs in terms of time and expenses, with no guarantee of recovery.

2. Together with my co-counsel, I have carefully assessed the strengths and weaknesses of this case, and I believe that Plaintiff would be able to prove the case at trial. However, as mentioned above, the prosecution of this litigation would be subject to a host of risks. My legal practice is almost exclusively antitrust and consumer protection class action litigation, and in my judgment and experience, together with the judgment of my colleagues, I believe that the

settlement memorialized in the proposed Settlement Agreement is reasonable and adequate and in the best interests of the Class.

3. I personally have spent 12.25 hours litigating this case and my hourly rate is \$500 an hour. The other attorneys and paralegals at my firm worked an additional 29 hours on the case, including preparing and editing filings, researching law and facts and discussing strategy for those filings, meetings with opposing counsel, for a combined total of 41.2 hours and a combined total for services rendered of \$16,781.

Date: October 15, 2018

Respectfully submitted,

/s/ Peter Gil-Montllor  
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